Application No. 09/852,114   Attorney's Docket No. 0119-007
Response to August 25, 2004, Action

REMARKS

Claims 1-42 are pending. Claims 2, 7, 16, 28, and 37 have been amended.

The early indication that claims 7, 16, 28, and 37 would be allowable if suitably amended is acknowledged with appreciation. This Amendment has amended those claims as suggested in the Action, and so it is respectfully requested that the objections to those claims be withdrawn and that those claims be allowed.

The Action objected to claim 2 for a perceived informality. The claim has been amended in a way that obviates the objection. Accordingly, it is respectfully requested that the objection be withdrawn.

Claims 11-13 and 32-34 appear to stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Action contends that the terms "synchronous", "isochronous", and "asynchronous" used in those claims have meanings that differ from those understood by persons of ordinary skill in the art. Applicant disagrees and asserts that the use of these terms in the claims and description is consistent with common usages by those of ordinary skill. Moreover, the claims are reasonably clear to those of ordinary skill in this art, and Section 112 does not require more.

In particular, "synchronous" is described in this application at p. 2, l. 4 et seq., and p. 3, l. 19 et seq., among other places. "Isochronous" is described in this application at p. 2, l. 11 et seq.; p. 4, l. 11 et seq.; and p. 10, l. 1 et seq.; among other places. "Asynchronous" is described in this application at p. 2, l. 22 et seq.; p. 4, l. 1 et seq.; and p. 10, l. 21 et seq.; among other places. Moreover, relationships among these terms are described at p. 4, l. 18 et seq., among other places. In view of these multitudes of descriptions, it is difficult to believe that Applicant's use of these terms would not be reasonably clear to an artisan. Accordingly, it is respectfully requested that any rejections for indefiniteness be reconsidered and withdrawn.

Claims 1-6, 8-15, 17-27, 29-36, and 38-41 stand rejected under 35 U.S.C. § 103(a) for obviousness over either U.S. Patent No. 6,345,302 to Bennett ("Bennett") or U.S. Patent No. 6,532,217 to Alkhatib ("Alkhatib"), with excerpts of W.R. Stevens, TCP/IP Illustrated, Vol. 1, Addison-Wesley, Reading, MA (1994) ("Stevens") being used as a dictionary for terms in Bennett and Alkhatib. The rejections should be reconsidered and withdrawn because Bennett and Alkhatib do not meet the

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requirements of a *prima facie* case of obviousness at least in that Bennett and Alkhatib do not teach all of the features recited in Applicant's claims and in that Bennett and Alkhatib do not include or suggest a motivation for its modification.

Applicant's independent claims 1 and 22, for example, define a method and an apparatus that include two layers of sequencing that are not described in Bennett, Alkhatib, or Stevens. As described in the application at p. 12, l. 10 et seq., for example, a traffic flow can be divided into messages, each of which has a finite lifetime and is divided into segments. The segments of a message can be transmitted, and re-transmitted when errors occur in the flow, until the lifetime of the corresponding message expires. The messages are identified by message numbers, and the segments are identified by segment numbers. The segment numbers can be used as sequence numbers in an ARQ scheme for the flow. By monitoring the message numbers separately from the segment numbers, an ARQ scheme can differentiate between the retransmission of a segment, and the start of a new message, even if the segments arrive out of order.

Of course Bennett, Alkhatib, and Stevens do not describe such multiple sequencing because they have no need to: TCP/IP retransmits entire datagrams; TCP/IP does not retransmit fragments of datagrams. This is explicit in Stevens, at p. 149, l. 21, which states that "if one fragment is lost the entire datagram must be retransmitted". Accordingly, Bennett and Alkhatib had no need to describe the multiple layers of sequencing required by Applicant's claims that can be separately monitored for, among other things, handling retransmitted segments. Moreover, TCP/IP retransmits entire datagrams after a timeout period has elapsed. See Stevens, p. 149, l. 23-25. In contrast, Applicant's claims define a message lifetime, which can be considered to be a window, during which segments can be transmitted. Transmission during a window is quite different from TCP/IP's transmission after a timeout.

In view of these substantial differences between Bennett and Alkhatib and the subject matters defined by Applicant's claims 1 and 22, it is submitted that Bennett and Alkhatib fail to support a *prima facie* case of obviousness, and thus the rejection of these claims should be reconsidered and withdrawn.

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    The rejections of the claims that depend on claims 1 and 22 should be reconsidered and withdrawn for at least the reasons described above. In addition with respect to claims 2-5, 9, 10, 18-20, 23-26, 30, 31, and 39-41 that explicitly relate to re-transmitted segments, TCP/IP does not describe retransmitting segments as noted above, and so the rejections of these dependent claims should be reconsidered and withdrawn for at least this reason as well.

    In light of these Remarks, it is respectfully submitted that the pending claims should be allowed. An early Notice to this effect is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below. The Examiner may note that a Change of Correspondence Address and a Power of Attorney to Prosecute are filed on the same day as this Request.

Respectfully submitted,

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